

186 Center Street Suite 290 Clinton, NJ 08809 (908) 735-9315 (908) 735-2132 FAX

June 13, 2008

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 13 – May 2008

Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)

CERCLA Docket No. 02-2007-2009

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) <u>Actions which have been taken to comply with this Settlement Agreement during the previous month.</u>

Meetings/Conference Calls

- On May 7, CPG representatives attended the Remedial Options Work Group held at the Region 2 EPA offices in New York City.
- On May 22, 2008 CPG held a conference call with EPA to discuss the finer segmentation of the top 2 feet of 5 to 10 cores that will be collected as part of the upcoming low resolution coring (LRC) effort. A follow-on conference call was held on May 27, at which time eight core locations were selected for this finer level segmentation.

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Correspondence

- On May 1, EPA provided comments to the CPG on the bathymetry data submitted to the Agency on November 30, 2007. On May 16, CPG provided EPA with partial responses to EPA comments on the bathymetry data.
- On May 2, CPG sent EPA the revised QAPP/FSP addendum for a low resolution coring program for the entire study area.
- On May 12, 2008 CPG sent EPA a letter regarding the RI/FS project schedule.
- On May 14, 2008 CPG sent EPA a letter regarding the status of EPA's preferred modeling contractors.
- On May 15, EPA sent CPG an e-mail indicating that the CPG should consider collection of data for the biological risk assessment as part of the low resolution sediment coring program. On May 16, CPG called EPA to discuss this suggestion in more detail and to further clarify the nature of EPA's request. On May 29, the EPA provided more details regarding the nature and extent of the biological data that had been previously discussed.
- On May 15, 2008, CPG submitted the LPRSA Progress report for April to
- On May 30, CPG submitted to EPA a revised modeling team.

- CPG is conducting an internal review of a Draft Feasibility Study Work Plan.
- CPG continued to develop a framework for conducting the risk assessment and is awaiting receipt of the EPA and Partner Agencies' (PA) comments on the draft 2006 Field Sampling Plan (FSP) Volume 2 to complete this framework and to hold an FSP 2 scoping meeting with EPA and the PA.
- CPG is working to update the Conceptual Site Model (CSM) based upon a revised sediment stability analysis using the most recent bathymetry data collected on the LPR as well as existing river gage and mooring data.
- CPG is evaluating potential remedial action pilot studies within the LPRSA.
- CPG has been developing scopes for the 2008/2009 RI/FS activities and to develop a revised project schedule. However, completion of this effort



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requires information from the EPA regarding the status of the LRC program, the approval of the CPG modeling team, and the receipt of the Stakeholder comments on FSP2.

(b) Results of Sampling and Tests

There are no results from this reporting period.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG is planning initiation of the field work in July following EPA approval
 of the Low Resolution Coring QAPP/FSP addendum that was submitted
 on May 2, 2008.
- CPG anticipates meetings with EPA to review and discuss unscoped tasks in FSP Volume 1 including water column, mudflat, groundwater, and pore water sampling.
- CPG anticipates an FSP Volume 2 scoping meeting with EPA and PA following receipt of draft FSP Volume 2 comments from EPA. As part of this scoping meeting, the CPG will discuss the draft Risk Assessment Framework that has been under development.
- CPG will continue work to review and evaluate the CSM as new data are generated in the LPRSA.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

Without approval of the modeling team, the CPG cannot proceed with any modeling efforts. This delay in start of modeling has implications for the overall project schedule, as modeling is a critical path activity for the project.

CPG has been waiting to receive the 2006 Stakeholder comments on draft FSP Volume 2. Until these comments are received, the CPG will be unable to address the Stakeholder concerns and schedule an FSP scoping meeting to discuss them. The delay of this FSP Volume 2 scoping meeting may result in a delay in completing the LPRSA RI/FS.



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CPG is working on a revised RI/FS project schedule. However, CPG cannot complete the schedule until decisions on the low resolution sediment coring program and modeling team have been made; the CPG has received and reviewed the Stakeholder comments on draft FSP Volume 2; and further schedule clarification has been made by EPA on their intent to finalize the Focused Feasibility Study. It is currently anticipated that a new project schedule will be provided as soon as the above information is made available to the CPG.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter

Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel

William Hyatt, CPG Coordinating Counsel

Megan Grubb, USACE Tim Kubiak, USFWS

Reyhan Mehran, NOAA

Janine MacGregor, NJDEP

Kristine Carbonneau, ENSR

Dave Nakles, ENSR